

Notice of Allowability

Application No.

10/714,994

Examiner

Cheryl Juska

Applicant(s)

MORIN ET AL.

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 02/08/07.
2. ☒ The allowed claim(s) is/are 39-33 and 35-37 (renumbered as claims 1-8).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

In the specification, page 1, line 4, after '2000,' please insert —, now abandoned—.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on February 8, 2007, has been entered. Claim 29 has been amended as requested. Claims 1-28 and 35 have been cancelled, while new claims 36-38 have been added. Thus, the pending claims are 29-34 and 36-38.
2. It is now noted that applicant has misnumbered the claims since said claims do not include a claim 32. See the amendment of 04/27/06, wherein new claims 29-35 have been added. Hence, the currently pending claims have been renumbered according to 37 CFR 1.126 as claims 29-33 and 35-37, with claim 34 being cancelled.
3. The amendment to claim 29 is sufficient to overcome the prior art rejections set forth in sections 5-12 of the last Office Action (12/13/2006). Specifically, applicant has amended independent claim 29 to limit the receiving loops and stiff loops to originating at the same origination location and terminating at the same return location on the base substrate, wherein said origination location and return location are separated by about 0.1-5 mm along the base of the substrate and wherein the stiff loops are higher than and separate from the receiving loops. The 102 rejection by Breens (US 4,045,605) is hereby withdrawn due to said amendment since Breens does not teach separate stiff loops and receiving loops originating at the same origination location and returning at the same return location with a height differential between the loops, but rather teaches rows of single loops formed of two plied yarns having like loop heights. Additionally, the rejection by Lang (US 5,987,867) is withdrawn since Lang also teaches single loops formed of plied yarn wherein said plied yarn loops are not separate and do not have a loop

height differential. The rejection based upon Rockwell (US 2002/0092261) is withdrawn since the reference fails to teach or suggest the claimed separate stiff loops and receiving loops.

Furthermore, the 103 rejections based upon the cited Breens, Lang, and Rockwell references are also hereby withdrawn due to applicant's amendment.

4. Note the amendment to claim 29 is supported by the specification at page 2, lines 13-27 and Figure 1, wherein the width of the loops w , the distance separating the origination location and return location in Figure 1, is limited to about 0.1-5 mm.

Allowable Subject Matter

5. Claims 29-33 and 35-37 are allowed. The prior art rejections of record have been overcome by applicant's amendment. Additionally, an updated search of the prior art has produced no new art for which to base a rejection upon. Thus, said claims contain allowable subject matter.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

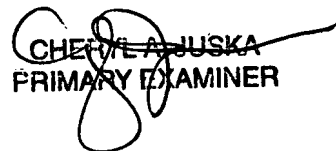
7. The art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the

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examiner should be directed to Cheryl Juska whose telephone number is 571-272-1477. The examiner can normally be reached on Monday-Friday 10am-6pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached at 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CHERYL A. JUSKA
PRIMARY EXAMINER